

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Harald Rohde  
Appl. No.: 10/761,848  
Conf. No.: 3062  
Filed: January 21, 2004  
Title: BANDPASS FILTER AND METHOD FOR INCREASING THE SENSITIVITY  
OF RECEPTION OF AN OPTICAL SIGNAL  
Art Unit: 2883  
Examiner: Michael P. Mooney  
Docket No.: 112740-912

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

The Applicant herein petitions under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment related to the Applicants in a Notice of Abandonment that was mailed by the Patent Office on May 18, 2006 for the alleged failure to respond to the Office Action mailed September 20, 2005.

Applicant submits that a response was filed on October 20, 2005 and was received by the USPTO on October 24, 2005. After further review, Applicant became aware that the Serial No. on all of the documents contained an inadvertent typographical error and was mistakenly typed as 10/763,848 in which the correct Serial No. on all the documents should have read 10/761,848. Applicant was not made aware of this error until the Notice of Abandonment was received. As directed in M.P.E.P. §711.03(c)(I)(B), the Applicant submits the following enclosed documents to provide evidence that the Applicant fully replied to the Office Action on September 20, 2005:

1. A copy of the Response to Restriction Requirement on 2 pages.
2. A copy of a stamped, returned postcard acknowledging receipt of Item No. 2 by the U.S. Patent and Trademark Office on October 24, 2005, and a copy of the Transmittal Letter.

In light of the foregoing evidence, Applicant request that the holding of Abandonment of this application be withdrawn. In light of Applicant's *prima facie* showing that a response was filed in a timely manner, the Applicants submit that no fee is due for this petition. However, please charge Deposit Account No. 02-1818 for any petition fee and any other fees which may be required, or credit any overpayment to Deposit Account No. 02-1818.

Respectfully submitted,

BELL, ~~BOYD~~ & LLOYD LLC

BY:  \_\_\_\_\_

Peter Zura

Reg. No. 48,196

Customer No. 29177

Phone: (312) 807-4208

DATED: May 25, 2006

In re Patent Application of: Harald Rohde  
Docket No. 0112740-912 - USSN 10/763,848  
BANDPASS FILTER AND METHOD FOR INCREASING THE  
SENSITIVITY OF RECEPTION OF AN OPTICAL SIGNAL  
On the date stamped hereon the U.S. Patent & Trademark  
Office hereby acknowledge the receipt of the following:

1. Transmittal Letter in duplicate;
2. Response to Restriction Requirement on 2 pages and
3. return receipt postcard.

Mailed on October 20, 2005-----PAK/PZ



**RECEIVED**  
BELL, BOYD & LLOYD  
INTELLECTUAL PROPERTY DOCKET

NOV 02 2005

ATTY: \_\_\_\_\_

DOCKET #: \_\_\_\_\_

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
112740-912

In Re Application Of: **Harald Rohde**

Application No. 10/763,848	Filing Date January 21, 2004	Examiner Michael P. Mooney	Customer No. 29177	Group Art Unit 2883	Confirmation No. 3062
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Title: **BANDPASS FILTER AND METHOD FOR INCREASING THE SENSITIVITY OF RECEPTION OF AN OPTICAL SIGNAL**

COMMISSIONER FOR PATENTS:

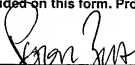
Transmitted herewith is:

**Transmittal Letter in duplicate; Response to Restriction Requirement on 2 pages; and return receipt postcard.**

in the above identified application.

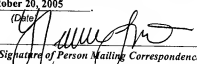
- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Dated: **October 20, 2005**

**Peter Zura (Reg. No. 48,196)  
Customer 29177**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>October 20, 2005</b> (Date)	
	
Signature of Person Mailing Correspondence	
<b>Heather Foster</b>	
Typed or Printed Name of Person Mailing Correspondence	

cc:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This Response is submitted in response to the Office Action dated September 20, 2005. The Office Action issued a restriction requirement under 35 U.S.C. § 121, stating that the Application contains claims directed to the following patentably distinct species of the claimed invention:

Species A: claims 1-5 and 10, drawn to a bandpass filter device which may consist of only a single bandpass filter classified in class 398 subclass 43.

Species B: claims 6-9, drawn to a WDM bandpass filter arrangement that must consist of a plurality of filters classified in class 385 subclass 27.

In response, Applicant elects, with traverse, Species A – claims 1-5 and 10. Applicant reserves the right to file one or more divisional applications to the non-elected claims.


If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a

deduction is made, please indicate the attorney docket no. (0112740-912) on the account statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

  
\_\_\_\_\_  
Peter Zura  
Reg. No. 48,196  
Customer No.: 29177  
Phone: (312) 807-4208

Dated: October 20, 2005